



U.S. Department of Justice

United States Attorney
Southern District of New York

MEMO ENDORSED

86 Chambers Street
New York, New York 10007

May 26, 2022

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VIA ECF

Hon. Valerie E. Caproni
United States District Judge
United States District Court
40 Foley Square
New York, New York 10007

Re: *Jianlei Yang v. Mayorkas, et al.*, No. 22 Civ. 1365 (VEC)

Dear Judge Caproni:

This Office represents the government in this action in which the plaintiff seeks an order compelling U.S. Citizenship and Immigration Services (“USCIS”) to adjudicate three Refugee/Asylee Relative Petitions (Forms I-730). The complaint was filed on February 17, 2022, and served on this Office by mail on May 19, 2022. Pursuant to Rules 12(a)(2) and 6(d) of the Federal Rules of Civil Procedure, the government calculates the due date for its response to the complaint to be July 21, 2022. *See* Fed. R. Civ. P. 12(a)(2) (providing government with sixty days to respond to complaint), 6(d) (adding three days for service by mail). On behalf of the government, I write respectfully to request that the initial pretrial conference presently scheduled for June 10, 2022, be rescheduled for a date after the government’s response to the complaint is due, *i.e.*, during the week of August 1, 2022, or thereafter (with a corresponding extension of time for the preconference submission).¹

I respectfully request this extension because this Office needs time to review the complaint and communicate with USCIS about next steps. In addition, USCIS needs time to review the Forms I-730 and determine next steps, which may include the issuance of a Request for Evidence, Notice of Intent to Deny or other adjudicatory action that could eventually render this matter moot. This is the government’s first request for an adjournment of the pretrial conference (and a corresponding extension of time for the preconference submission). Plaintiff consents to this request. The government acknowledges that in granting the plaintiff’s request to adjourn the previously-scheduled conference on the basis that the plaintiff had not yet served the government, the Court stated that there would be no further adjournments or extensions. *See* ECF No. 4. However, the government respectfully submits that the fact that it was just served with this complaint last week and needs time to investigate the allegations and determine next steps constitutes good cause for further adjourning the initial pretrial conference and preconference submission.

¹ Counsel for the government will not be available from August 5, 2022, through August 12, 2022.

I thank the Court for its consideration of this letter.

Respectfully submitted,

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cc: Counsel of record (via ECF)

Application GRANTED. The Initial Pre-Trial Conference currently scheduled for June 10, 2022, at 10:00 a.m. is hereby ADJOURNED until **August 5, 2022, at 10:00 a.m.** Pre-conference submissions are due not later than **July 28, 2022.**
SO ORDERED.

 5/26/22

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE